THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO: 6537 OF 1996

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

Between:

Bulusu Narayana Rao.

.. petitioner

and

The Mandal Revenue Officer, Srikakulam

and others. .. respondents.

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.6537 OF 1996

ORDER:

Alleging that his petition for grant of patta in respect of Ac.4.77 cents situated in various survey numbers of Icharla village of Srikakulam district was rejected by the settlement officer on 27.3.1985 and the appeal preferred before the Director of settlements (the third respondent), was allowed on 28.8.1993 and the revision preferred by the first respondent, Mandal Revenue Officer against the order of the Director of Settlements in R.P.No.P1/506/97 was dismissed by the Commissioner of Appeals on 1.5.2000 and the petition filed by the petitioner to implement the order dated 28.8.1993 of the third respondent is not being considered by the respondents, petitioner filed this writ petition seeking a direction to the respondents to implement

the order.

In the counter filed by the respondents, it is stated that D-form pattas were granted to landless poor persons in respect of the some of the survey numbers and they have to be cancelled by the Collector and were resumed after observing the formalities laid down. It is further stated that some third party filed a suit in O.S.No.61 of 1966 on the file of the Court of Principal Sub-Ordinate Judge, Srikakulam district and obtained a direction to incorporate his name in the revenue records in respect of survey No.12 and therefore, the order of Director of Settlements dated 28.8.1993 obtained by the petitioner, cannot be implemented.

Even from the counter filed on behalf of the respondents it is seen that the Director of Settlements, Hyderabad granted patta in respect of Ac.1.14 cents in survey No.125, Ac.1.70 cents in survey No.124 and Ac.1.93 cents in survey No.12/P in favour of the petitioner. If D-form pattas were granted in respect of survey No.124/7 in favour of third parties they have to take necessary steps for cancellation of pattas and so respondents cannot plead their inability to implement the orders of the Director of Settlements, which was confirmed by the Commissioner of Appeals on 1.5.2002, i.e., subsequent to the filing of the writ petition.

This Court on 23.2.2005 directed the respondents to produce a copy of the Judgment and Decree in O.S.No.61 of 1966 and action taken for cancellation of D-form pattas, but no document is produced till today. In these circumstances, the petitioner is entitled to the relief sought for.

Accordingly, the writ petition is allowed and the respondents are directed to implement the orders passed by the Director of Settlements as confirmed by the Commissioner of Appeals, as expeditiously as possible at any rate within a period of four weeks from the date of receipt of a copy of this order.

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09.9.2005

mdaa.